IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3766 OF 2005

Rajesh Udaykant Singh. ... Applicant.
Versus.
State of Maharashtra. ... Respondent.

Shri Anita Bafna for the Applicant.

Ms.M.M.Deshmukh, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 22nd June, 2005.

P.C.:

1. The Applicant who is facing prosecution for offence punishable under sections 423, 465, 468, 470, 471, 420, 120(B) read with section 34 of the Indian Penal Code, was ordered to be enlarged on bail by Judgment and Order dated 21st March 2005 passed by the Additional Sessions Judge, Mumbai. Considering the fact that the Applicant is not the permanent resident of Mumbai, the learned Additional Sessions Judge directed the Applicant to be released on bail on executing P.R.Bond of Rs.40,000/- with two sureties of Rs.20,000/-each subject to condition of attending the concerned Police Station.

2. This Application is for relaxation of the condition regarding furnishing P.R.Bond in the sum of Rs.40,000/-. Placing reliance on the decision of the Apex Court reported in 1979 Cr.L.J. page 1036 (Hussainara Khatoon & others v/s. Home Secretary, State of Bihar). The

learned Counsel appearing for the Applicant pointed out that co-accused in the same case were ordered to be enlarged on bail by the learned Metropolitan Magistrate by fixing bail amount in the sum of Rs.10,000/-. She submitted that it is impossible for the Applicant to furnish bail in the sum of Rs.40,000/- and therefore, the result of imposition of such stringent condition is denial of bail. The learned A.P.P. has opposed this Application. The learned A.P.P. submitted that considering that the Applicant is not a permanent resident of Mumbai, even if bail amount is to be reduced, the Applicant be directed to furnish local sureties.

3. I have considered the submissions. The Applicant has annexed with his application ration card in his name and document showing that his son is taking education in a school at Santacruz. The other two co-accused have been ordered to be enlarged on bail in the sum of Rs.10,000/-. If the Applicant is not a regular resident of Mumbai, condition can be imposed on him by directing him to produce local sureties.

4. Considering the facts and circumstances of the case, and considering the law laid down by the Apex Court in the case of Hussainara (supra), the bail amount deserves to be reduced to Rs.20,000/-. However, the Applicant will have to furnish one or two local sureties.

5. Hence the Application is disposed of by passing the following order:

(i) Clause 2 in Order dated 21st March 2005 passed by the learned Additional Sessions Judge will now read as under:

"(2). The Accused/Applicant Rajesh Udykant Singh be released on bail on executing P.R.Bond of Rs.20,000/- with one or two local sureties in the like amount."

(ii) Rest of the order dated 21st March 2005 is maintained.

(iii) Parties to act on an authenticated copy of this order.

Judge.